

ARRANGEMENTS FOR DEALING WITH CODE OF CONDUCT COMPLAINTS

Standards Committee - 1 May 2018

Report of Monitoring Officer

Status For consideration

Key Decision No

Executive Summary: This report sets out in summary the arrangements for dealing with Code of Conduct Complaints.

This report supports the Key Aim of effective management of Council resources.

Contact Officer Martin Goodman - Monitoring Officer, Ext. 7245

Recommendation to the Standards Committee: That the report be noted.

Reason for recommendation: This report was written at the request of the Committee.

Introduction and Background

- 1 On 15 January 2018 the Standards Committee received a report in substantially the same terms as set out below. On that occasion Members resolved to hold an additional meeting of the Committee to consider amending the arrangements for Standards Complaints. A Member Working Group had considered the issue and an additional meeting would give the opportunity for its findings to be considered.
- 2 The Standards Committee maintains oversight of the District Council's constitutional Arrangements for dealing with Code of Conduct complaints ('the Arrangements'). The Terms of Reference of the Committee allow it to review the Arrangements.
- 3 Part 1 of the Constitution makes clear that except for changes required by statute, changes to the Constitution will only be approved by the full Council after consideration of the proposal by the Governance Committee. This means that the Standards Committee may not itself change the Arrangements.

Existing Constitutional Provisions

- 4 The Arrangements are set out in the Constitution at Appendix S, which is supported by four annexes. Those documents are appended to this report.

- 5 As Members will see, the Monitoring Officer is appointed as the Proper Officer to receive complaints of failure to comply with the Code of Conduct. The Monitoring Officer, in consultation with the Independent Person, has authority to determine whether a complaint merits formal investigation and to arrange such investigation. The provisions set out that the Monitoring Officer will seek resolution of complaints without formal investigation wherever practicable. Where an investigation finds no evidence of failure to comply with the Code of Conduct, the Monitoring Officer is instructed to close the matter.
- 6 Where the investigation finds evidence of a failure to comply with the Code of Conduct, the Monitoring Officer in consultation with the Independent Person is authorised to seek local resolution to the satisfaction of the complainant in appropriate cases, with a summary report for information to the Standards Committee. Where such local resolution is not appropriate or not possible, the Monitoring Officer will report the investigation findings to a Standards Hearings Sub Committee for local hearing.
- 7 Members will see from the attachments that the Arrangements provide for an Initial Intake test. If the complaint fails the Initial Intake Test it will not be considered further. A complaint which passes the Initial Intake test will be subjected to the Assessment Test in consultation with the Independent Person. Exceptionally, the complaint may be referred to the Standards Assessment Working Party if it accords with certain criteria relating to seriousness or sensitivity. The purpose of the Assessment Test (or the Standards Assessment Working Party) is to decide whether an attempt will be made at informal resolution, whether no further action should be taken or the whether the matter should proceed to formal investigation.
- 8 If the matter is referred to investigation, the Investigating Officer will be appointed by the Monitoring Officer. The investigation will be for fact finding purposes only. Where, on the basis of the Investigating Officer's report, the Monitoring Officer, having consulted with the Independent Person, concludes that there is evidence of a failure to comply with the Code of Conduct, they will either seek informal resolution or refer the matter for consideration by the Standards Hearing Sub Committee in accordance with the relevant procedure detailed in Appendix S Annexe 3.
- 9 The Arrangements in Annex 3 set out provisions for deliberations on alleged breaches of the Code of Conduct and the imposition of sanctions, if any. Members will be aware that possible sanctions are limited and could involve the publication of findings, making recommendations that the Member be removed from committees or portfolios, arranging training and/or conciliation or recommending removal from outside appointments.

Proposals

- 10 The complaints procedure has worked well in the opinion of successive Monitoring Officers and there is no proposal from the Monitoring Officer to make any changes. Nevertheless, should any changes be suggested by the Member Working Group, or by the Standards Committee itself, these would

have to be considered by Governance Committee before any changes to the Constitution were made. To that end, the Monitoring Officer's recommendation in this report is that the report be noted. However, if Members wish they may instead refer the matter across to the Governance Committee for it to consider their comments on proposed changes to the Constitution.

Key Implications

Financial

None.

Legal Implications and Risk Assessment Statement.

None.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Conclusions

The provisions of Appendix S and its Annexes (appended) are brought to the attention of the Committee for noting.

Appendices Constitution - Appendix S and Annexes 1-4

Background Papers None

Martin Goodman
Monitoring Officer